

REFERENCE TITLE: Local building construction; procedures

State of Arizona
House of Representatives
Forty-seventh Legislature
Second Regular Session
2006

HB 2136

Introduced by
Representative Nelson, Senator Blendu

AN ACT

AMENDING SECTION 35-460, ARIZONA REVISED STATUTES; RELATING TO LOCAL BUILDING CONSTRUCTION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Section 35-460, Arizona Revised Statutes, is amended to
3 read:

4 35-460. Erection of buildings

5 A. If bonds for the purpose of erecting and furnishing a public
6 building are authorized at the election, the board of supervisors for a
7 county and the governing body of a city, town or other municipal corporation
8 shall AUTHORIZE THE DESIGN AND CONSTRUCTION OF THE BUILDING IN ACCORDANCE
9 WITH TITLE 34. ~~adopt plans and specifications for the building and as soon as
practicable thereafter advertise for bids for erecting and furnishing the
building, stating a day and hour, not less than fourteen days from the date
of such notice, when bids will be received and opened.~~

10 B. ~~Notice of bids shall be published in a newspaper of general
circulation within the county in which such board or governing body functions
as follows:~~

11 1. ~~If in a weekly newspaper, once each week for two consecutive weeks.~~

12 2. ~~If in a daily newspaper, four consecutive times.~~

13 C. ~~The governing body or board shall award the contract for erecting
and furnishing the building to the lowest and most responsible bidder, but
any and all bids submitted may be rejected.~~

14 D. ~~If a bid is accepted, the governing body or board shall require the
successful bidder to enter into a written contract for erecting, completing
and furnishing the building and require from such bidder such bond or bonds
as required under the provisions of title 34, chapter 2, article 2. The bond
shall be approved by the governing body or board. If the contract is to be
performed in phases pursuant to subsection G of this section, the bonds
required by this subsection shall cover only the phase of the work in
progress. When a contractor progresses to a new phase, bonds shall be
required for that phase.~~

15 E. ~~A person shall not use, and the board of supervisors for a county
or the governing body of a city, town or other municipal corporation shall
not allow the use of, proprietary specifications, except as provided by
section 34-104, subsection B.~~

16 F. ~~The governing body or board may agree to pay the contractor in
monthly payments, as authorized by law or by mutual agreement, as they become
due, and they shall be paid to the contractor upon a basis of ninety per cent
of the value of the work performed and may include payment for materials and
equipment on the site to be incorporated in the job as estimated by the
architect or engineer up to and including the last day of each calendar
month. Ten per cent of all estimates shall be retained as a guarantee of
full performance of the contract, which shall be paid to the contractor
within forty-five days after completion or filing of notice of completion of
the contract. The contract shall be signed by the governing body or board
and the contractor.~~

1 6. The contract may provide for construction in phases. The contract
2 may condition the contractor's progression into a phase on the sale of a
3 series of bonds. If the contract is to be executed before initial delivery
4 and payment of the bonds or a series of bonds, the advertisement shall
5 specifically state such fact.